

Serial No. 10/674668

Attorney Docket No. 20T-022-CON

REMARKS

Claims 16-37 were pending. Claims 17, 21, 23, 25, and 27-37 are canceled and new claims 38-46 are added herein. Thus claims 16, 18-20, 22, 24, 26 and 38-46 are now pending. The applicant respectfully requests reconsideration and allowance of this application in view of the above amendments and the following remarks.

Applicants acknowledge that the claims are extensively amended and new claims added.

Claims 16, 17, 19-21, 22-25, 27, 28, 30-32, and 34-36 were rejected under 35 USC 102(b) as being allegedly anticipated by Turcotte, et al., U.S. Patent No. 5,754,139 (hereinafter "Turcotte"). Claims 17, 21, 23, 25, and 27-37 are canceled and will not be discussed. With regard to the remaining claims, the applicant respectfully requests that this rejection be withdrawn for the following reasons.

The claims are amended herein to include the features of, for example, that each of the plurality of communication cells having an assignable set of communication slots capable of servicing a plurality of users in a coverage area during a frame time interval, the plurality of users including first users having a high demand and second users having a low demand, the first users assigned a first group of the assignable set of communication slots and the second users assigned a second group of the assignable set of communication slots. The size of a cell is rapidly altered from the first size to the second size during the second group of assignable slots, e.g. during the frame time interval and from the second size to the first size during the first group.

Turcotte clearly fails to disclose the newly added features.

Applicant therefore submits that a *prima facie* case of anticipation cannot properly be established in that Turcotte fails to disclose each and every feature of the claimed invention in

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the manner claimed. It is respectfully requested that the rejection of independent claims 16, 20 and 24 be reconsidered and withdrawn.

Claims 19, 22, by virtue of depending from claims 16 and 20 are allowable for at least the reasons set forth hereinabove with regard to claims 16 and 20. It is respectfully requested that the rejection of claims 19 and 22 be reconsidered and withdrawn.

Claims 18, 22, 26, 29, 33 and 37 stand rejected under 35 USC 103(a) as being allegedly unpatentable over Turcotte in view of Montpetit, U.S. Patent No. 6,366,761. Claims 29, 33 and 37 are canceled herein and will not be discussed. The applicant respectfully requests that this rejection be withdrawn for the following reasons.

Claims 18, 22 and 26, by virtue of depending from claims 16, 20 and 24 are allowable for at least the reasons set forth hereinabove with regard to claims 16, 20 and 24. It is respectfully requested that the rejection of claims 18, 22 and 26, be reconsidered and withdrawn.

New claims 38-46 recite the newly added features in various alternative ways and include that the assignable set of communication slots is associated with a FDMA and TDMA protocol as described in Applicant's specification, for example, in paragraph [0018]. Favorable consideration is respectfully requested.

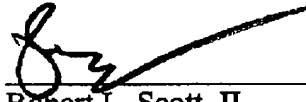
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In view of the foregoing, the applicant submits that this application is in condition for allowance. A timely notice to that effect is respectfully requested. If questions relating to patentability remain, the examiner is invited to contact the undersigned by telephone.

If there are any problems with the payment of fees, please charge any underpayments and credit any overpayments to Deposit Account No. 50-1147.

Respectfully submitted,



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